

UNITED STATES OF AMERICA  
 NATIONAL TRANSPORTATION SAFETY BOARD  
 OFFICE OF ADMINISTRATIVE LAW JUDGES

\* \* \* \* \*

Investigation of:

MV ETHAN ALLEN,  
 LAKE GEORGE, NEW YORK,  
 OCTOBER 2, 2005

\*  
 \*  
 \*  
 \*  
 \* Docket No.: DCA 06 MM 001  
 \*  
 \*

\* \* \* \* \*

Interview of: JAMES QUIRK

Fort William Henry Resort  
 and Conference Center  
 Lake George, NY

Thursday,  
 October 6, 2005

The above-captioned matter convened, pursuant to  
 notice.

BEFORE: MORGAN TURRELL

## APPEARANCES:

MORGAN TURRELL  
National Transportation Safety Board

SGT. WALTER SCHEDEL  
New York State Park Police

MAURICE ALDRICH  
Warren County Sheriff's Office

STEVEN COFFEE  
O'Connell and Aronowitz

SEAN QUIRK  
Shoreline Cruises

JAMES QUIRK  
Shoreline Cruises

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of James Quirk:	
By Mr. Turrell	4
By Sgt. Schedel	49
By Mr. Turrell	54
By Sgt. Schedel	63
By S. Quirk	63

I N T E R V I E W

2 MR. TURRELL: This is Morgan Turrell on October 6th.  
3 We're at the Fort William Henry Conference Center. We're  
4 interviewing James Quirk, the owner of Shoreline Cruises, and  
5 my name is Morgan Turrell of NTSB.

6                   And to my right.

7 MR. ALDRICH: Investigator Aldrich with Warren County  
8 Sheriff's Office.

9 MR. S. QUIRK: Sean Quirk, Shoreline Cruises.

10 MR. J. QUIRK: James Quirk, Shoreline Cruises.

11 MR. COFFEY: Steven Coffey (ph.), attorney for  
12 Shoreline Cruises.

13               SGT. SCHEDEL:   Sergeant Walt Schedel, New York State  
14   Park police.

## INTERVIEW OF MR. JAMES QUIRK

16 BY MR. TURRELL:

17 Q. Okay, and Mr. Quirk, would you acknowledge this is  
18 being recorded, it's a public statement?

19           A.    I do.

20 Q. Okay. And Jim, would you please just give me your  
21 city and state of residence?

22           A.     Queensbury, New York.

23 Q. And your age, sir?

24                      A.                      65.

25 Q. And how long have you owned Shoreline Cruises?

1           A.    Since it's inception, 1979.

2           Q.    Could you give me just a brief history of Shoreline  
3 Cruises from that point?

4           A.    Let's see. Well, we started in 1979. I purchased  
5 three tour boats, 40-foot boats from I believe the name of the  
6 company was Whalen Soody (ph.) Dredging. They did sightseeing  
7 tours on the Thames River out of Groton, Connecticut. They --  
8 these folks went down by the submarines and where I first saw  
9 them. I was an engineer in Groton at that time. Not at that  
10 time, but I saw them there.

11          Q.    Uh-huh.

12          A.    Let's see, I purchased the three boats, brought  
13 them -- at that point brought them up through the canal system  
14 into -- and crossed over into Lake George, hauled them, and put  
15 them into service that year in '79.

16          Q.    And prior to 1979, will you give me a professional  
17 history of yourself from high school or -- your professional  
18 career.

19          A.    Yeah, well --

20                UNIDENTIFIED SPEAKER: (indiscernible) kindergarten.

21                MR. J. QUIRK: I can't remember that. I don't think  
22 they had kindergarten when I went to school. I started with, I  
23 started I guess in high school. I was a competitive swimmer.  
24 I was a hockey player. I graduated top of my class. I went to  
25 college at -- went to Worcester Polytech where I swam on the

1 team there, and I was captain of the team. Picked up a degree  
2 in physics there, and all that time from my high school years  
3 through college, I was also supervisor of aquatics for the City  
4 of Pittsville, in Massachusetts, and at that time I trained all  
5 their lifeguards, and I trained their scuba divers. And  
6 basically that was my summer job all the way through, through  
7 my high school and college career. And then after that I went  
8 to -- I had a job with General Electric for three years  
9 (indiscernible) I worked on the, on the (indiscernible)  
10 missiles. And I had the opportunity to go -- at that point to  
11 go to Groton, Connecticut, where I worked on the missile subs  
12 there, and I did see those little boats going down there doing  
13 sightseeing tours (indiscernible) and this stuck in the back of  
14 my mind. Well, to make a long story short, I really didn't  
15 particularly like moving all that much and traveling all that  
16 much on the missile sites, so I went to -- back to college to  
17 the University of New Hampshire and got a PhD in physics, and I  
18 was teaching at the University.

19 Q. When did you get it? Do you remember?

20 A. Yeah, '69.

21 Q. Uh-huh.

22 A. And I was teaching at the University and their sister  
23 college King's State, needed someone to (indiscernible)  
24 physics, so I went down there, and I had a career at King's  
25 State College for 30 years as professor of physics there, and I

1 was also chairman of sciences for a spell at King's State. And  
2 let's see, that was '79. That took me up to 30 years  
3 retirement, 1997, I retired. So you can see sort of my  
4 motivation and staying in the (indiscernible) in the sense I  
5 was getting my summers off and each and every summer I would be  
6 (indiscernible) doing things I enjoyed.

7 Q. Uh-huh.

8 A. We had a summer home for awhile at a lake in --  
9 outside of (indiscernible), Mass., and then I picked up a  
10 contract up at Lake George, and I rented boats. '74 I started  
11 in Lake George renting boats. From there, every summer I was  
12 there, I saw those boats up for sale, and I purchased the  
13 boats. In '79, we brought them over, and I was still renting  
14 boats. I'm still renting boats today. But in bringing those  
15 boats over, I established the Shoreline Cruises. So I sort of  
16 went forward and backwards in time a little bit here.

17 Q. That's fine.

18 A. I don't know if it's --

19 Q. That's fine. So from 1979, if you'd describe your  
20 Shoreline Cruises as it developed from the three boats.

21 A. Yeah. Let's see, '79, and then in 1983, I put on the  
22 boat Defiance, and that was a 65-footer, twin-screw boat, which  
23 I bought. I don't remember the name of the company, but it's  
24 somewhere around Norwalk, Connecticut. And I brought that up  
25 and put that onto the lake, and that was in service until 19 --

1   excuse me, 2003. That was the last season that we ran the  
2   Defiance. Then let me go back again now. In '83, Defiance,  
3   and '88 I brought on the Horicon, and that boat was built  
4   especially for us by Scrano Boat Building Company in Albany, at  
5   the port of Albany. We had that one custom done. So that one  
6   was from scratch. All the other boats we had were all  
7   previously made by, by the factories, but this one was a Scrano  
8   boat, and we had that since it was new. Let's see, that's '88.  
9   And then I received my permits from the Park Commission to put  
10  on a new boat, which was called the Adirondac, in 19 -- again  
11  we started in 1995, I think or somewhere around there to get  
12  the permits, and we finally ended up with the permits in 2003.  
13  2003, we started building the boat, and we finished it in 2004,  
14  had it on the lake, and at that time my agreement with the Park  
15  Commission was that if I bring in this new boat, I would take  
16  the Defiance off the lake, and I did. So that brings us pretty  
17  much almost up to where we are now, I guess, 2004. Is there  
18  anything that I skipped or gaps?

19       Q. No, that's fine. So would you tell me then I guess  
20  I'll have you just name the three boats you purchased from  
21  Groton.

22       A. Well, as I say, when I purchased them, they were  
23  called something else like Double Eagle or Double Dolphin.  
24  They had nautical names.

25       Q. Okay.



1           A.    So when we brought them up here, I gave them more of  
2   the Adirondack names.   The Ethan Allen, the de Champlain and  
3   the Algonquin.

4           Q.    Was the Seahorse one of those?

5           A.    Seahorse could very well have been.

6           Q.    Double Dolphin and Double Eagle, you said, maybe?

7           A.    Yeah.   I'm guessing.

8           Q.    Uh-huh.

9           A.    I believe if you want I'll take a moment and go back  
10  again.

11          Q.    Uh-huh.

12          A.    Back in '79 when I purchased them, the names were  
13  different originally, and like I said, we changed them.   The  
14  names I still have and those names are recorded on the Coast  
15  Guard GOIs, and I have the Coast Guard GOIs in my possession  
16  still today.

17          Q.    Okay.

18          A.    And --

19          Q.    We would like to have those.

20                UNIDENTIFIED SPEAKER:   What were the names, the Ethan  
21  Allen, the de Champlain, what was the third?

22                MR. J. QUIRK:   Algonquin.

23                Excuse me.   You want a copy of those?

24                BY MR. TURRELL:

25          Q.    Well, yes.   We'll get to that later.   So the Ethan

1 Allen, the de Champlain and the Algonquin are the current names  
2 of the boats, correct? Okay. So if you would from here, we  
3 have the Adirondac now in service in 2004. If you would just  
4 describe your, your company as a whole, you know, starting with  
5 your management structure, your number of employees, a rough  
6 number of your gross receipts. Just give me an idea about the  
7 company as a whole.

8 A. All right. This is complicated.

9 Q. Sure.

10 A. Shoreline Cruise is a corporation of itself. It's  
11 Shoreline Cruise, Inc. I do not own the stock in Shoreline  
12 Cruise, Inc.

13 Q. Okay.

14 A. We have a holding company called Quirk's Marine  
15 Rentals, Inc. That company owns the stock in Shoreline, in  
16 Shoreline Cruise, Inc. The holding company is Quirk's Marine  
17 Rentals, Inc.

18 The -- now under that too are the other corporations.  
19 There's the Shoreline Restaurant, Inc., there's the King  
20 Neptune, Incorporated. There is JDQ, Incorporated. There is  
21 U-Drive Boat Rentals, Incorporated.

22 Q. I'm sorry, Hugh?

23 A. JDQ.

24 Q. JDQ and the next one was U-Drive?

25 A. U-Drive.

1 Q. U-Drive, oh, U-Drive, okay. U-Drive Boats, Inc.?

2 A. Inc., yes.

3 Q. Okay.

4 A. The stock in all those corporations is owned by QMR.

5 Q -- well, of course -- Marine Rental. I just say Q.

6 Q. Okay.

7 A. QMR.

8 UNIDENTIFIED SPEAKER: QMR. Okay.

9 BY MR. TURRELL:

10 Q. So Quirk's Marine, Inc., owns Shoreline Cruise, Inc.,  
11 Shoreline Restaurant, Inc., King Neptune, Inc., JDQ, Inc., and  
12 U-Drive Boats, Inc.?

13 A. That's right.

14 Q. Okay. And can you give me an idea how many employees  
15 at these five different companies?

16 A. In the course of the summer, this of course goes up  
17 and down. The summer, we're probably at peak around 200 plus  
18 employees. In the winter, we're at maybe 15 employees.

19 Q. Okay.

20 A. 20, something like that.

21 Q. And this is for the whole, the whole --

22 A. -- yes.

23 UNIDENTIFIED SPEAKER: How do you spell Quirk?

24 MR. J. QUIRK: Q-u-i-r-k.

25 UNIDENTIFIED SPEAKER: Oh, Quirk, oh.

1 MR. J. QUIRK: It's in the dictionary.

2 UNIDENTIFIED SPEAKER: I'm thinking of Quirk.

3 BY MR. TURRELL:

4 Q. So we'll turn just for a moment to in particular  
5 Shoreline Cruise, Inc., the owner which owns -- does Shoreline  
6 Cruise, Inc., actually own the five boats?

7 A. Yes.

8 Q. Okay. So the boats are not owned in some other  
9 holding company. They're actually in Shoreline Cruise, Inc.?

10 A. The boats are in Shoreline Cruise, Inc.

11 Q. Okay.

12 A. The stock for Shoreline Cruise, Inc. is owned by --

13 Q. I understand. Okay. Okay. So how many particular  
14 employees are, are in Shoreline Cruise, Inc., just limited to  
15 that one company?

16 A. I would say peak around 45, and we go down to for  
17 that particular company go down to zero in November.

18 Q. Okay. Okay, and if you can give me an idea of your  
19 gross receipts in Shoreline, Shoreline Cruise, Inc., in one,  
20 one year, what the gross receipts would be.

21 A. I don't have a good handle on it. It's changed in  
22 the last couple of years because the Adirondac coming in, but  
23 maybe I would guess last year we did 600,000.

24 Q. Okay.

25 A. 700.

1           Q.    And how many total passengers per year do you  
2 estimate the company carries?

3           A.    I think this year will be the first year we're going  
4 to get a good estimate because we computerized our whole ticket  
5 system. In the past our tickets consisted of basically a --  
6 the slip, the receipt that comes off the cash register, and we  
7 didn't have a good count at all. I think if -- that's a hard  
8 thing for me to come up with a number. Maybe for a 10-week  
9 period for the heat of the summer we were doing say 300 a day,  
10 about 2100 a week, 2100 a week -- 10 -- about 21,000 during the  
11 peak of the summer, and then it's touch and go after that  
12 before and after.

13          Q.    So would you say it's fair -- about 25,000 passengers  
14 per year would be a fair estimate?

15          A.    I think so. I think it is.

16          Q.    Okay. Okay, and how do you go about recruiting and  
17 hiring employees for, for the five boats? What is your hiring  
18 process.

19          A.    You know, I've been fortunate because I have people  
20 that have been with me, you know, since inception, and they've,  
21 they've come on. People come in and they, I interview them, we  
22 discuss it. I put them onto the water with other captains.  
23 They see if they like it, they can handle it, and what they can  
24 do. This is really before they even start with us.

25          Q.    Sure.

1           A.    And the a lot of times they'll come and they'll ride  
2   for, you know, four or five weeks before they even get a chance  
3   to get onto the payroll, just getting hours in, getting  
4   familiarization.

5           Q.    Sure.

6           A.    After that, when we start getting serious and we know  
7   that they like it and they want that position, then we'll start  
8   putting them on the payroll. They will ride with the other  
9   captains. They'll learn the routes. They'll, they'll become  
10  assistants in other words. We will have them take their exams  
11  and get their PE. The first step is getting their pilot  
12  engineer license. That's a -- it's a joint license, and that  
13  allows them to go as high as the 40-footer. And then after  
14  usually a period of years, they will take their Master's -- if  
15  they're still interested in going up into bigger boats, they'll  
16  take another exam, and they'll become a Master Apprentice in  
17  which now they have to put in I believe around 500 hours with a  
18  Master, log time, and then maybe apply for their Master's  
19  license. And then they're given a practical exam by State  
20  Parks and Rec. All of this licensing procedure is done through  
21  the State Parks and Rec.

22          Q.    Okay. And how many -- currently how many employees  
23  told the Pilot Engineer License and how many hold the Master's  
24  License to the best of your knowledge?

25          A.    In Shoreline Cruise, if I am not mistaken, I think

1 every one of our pilots have Master's now. You know, they've  
2 been around that long. I can't think of being an exception  
3 that -- being a real exception.

4 Q. Sure. Can you give me some information about one  
5 particular captain, the Captain Paris of the Ethan Allen?

6 A. Uh-huh.

7 Q. The -- his employment history.

8 A. Captain Paris has been with us I believe 20 years, 23  
9 maybe I think is the time he's been with us. He's been, been  
10 extremely faithful, good worker, punctual, always looking out  
11 for the safety of the public, himself, he's a very  
12 conscientious person. I think a lot of that came from his  
13 training, previous training. He's military. I don't know if  
14 you knew, you know, he was in the Korean War. He was a  
15 paratrooper. He was the first when they started the Green  
16 Berets, and you know he broke himself up, his back, I guess.  
17 He's been through a lot, and he wanted a job working at the  
18 helm, which really not too hard.

19 Q. Sure.

20 A. And yet he still has dexterity to handle it. He's 75  
21 or 74. He's still in pretty good shape today. Now I should  
22 say I don't have anything bad I can say about that man. If I  
23 had something bad to say, would I say it to you, I believe I  
24 would.

25 Q. Uh-huh. Is there any process for Shoreline -- if an

1 employee was a problem, I'm not talking about Mr. Paris in this  
2 particular instance, but in general any employee became a  
3 problem, how, how would it be disciplined or handled  
4 internally, and have you had such a scenario to deal with?

5 A. I've had a few.

6 Q. Okay. What is the general process for discipline at  
7 Shoreline?

8 A. Discipline as such was not a public thing  
9 (indiscernible). It would be simply I wouldn't put them on  
10 schedule. They wouldn't work.

11 Q. Okay. And typically what type of infractions or  
12 behavior would cause you to do that in general for someone?

13 A. Oh, I don't know, possibly mishandling of,  
14 mishandling of lines, boat lines, not being punctual, not doing  
15 the things they need to do to make sure those boats are  
16 adequately staffed. Now I'm talking -- I have to be careful  
17 because all of a sudden (indiscernible) you know, we're doing a  
18 lot of other things.

19 Q. Sure.

20 A. Parasailing, boat rental. So if I go off on a  
21 tangent, pull me back, because all of a sudden I'll be talking  
22 about parasail. You know, you start talking about accidents  
23 and discipline.

24 Q. I don't want any specific circumstance. I want to  
25 find out how management deals with people that are not good



1 employees and not safe employees. That's kind of the import of  
2 the question.

3 A. Okay. Regarding Shoreline Cruise?

4 Q. Yes.

5 A. Yes. Exactly. We -- I do make the schedule up for  
6 the Shoreline Cruise, and should we have problems with any  
7 particular individual for whatever reason, being you know  
8 punctuality to not a major thing, but some other things, safety  
9 regulations and not checking the boats, not, not doing what  
10 they're assigned to do, they'll be pulled off schedule.

11 Q. Has Captain Paris ever been taken off the schedule  
12 for any particular infractions?

13 A. No. If I might add, Captain Paris, I think over the  
14 last three or four years, I've modified his schedule because of  
15 his age.

16 Q. Okay.

17 A. Just given him lighter schedule.

18 Q. That's understandable. Okay. How would you -- first  
19 of all, who, who observed Captain Paris in his -- before his  
20 employment, you know, his apprenticeship, and who observed him  
21 handling the boat and his competence?

22 A. I can't remember exactly who he trained with.

23 Q. Okay.

24 A. He trained with one of the other captains. I can  
25 give you some information which sort of comes back to me

1 through the paper. Another captain by the name of Al Dardis  
2 (ph.) came out and made some comments in the paper about  
3 Captain Paris, and he said he trained him. That could very  
4 well be.

5 Q. Okay.

6 A. Al Dardis trained him. I have two, I have two  
7 retired senior captains now that they're not working for me,  
8 and one is Bill Hoops (ph.), and Bill had a license out of  
9 Stony Point. He was -- he'd (indiscernible) the big boats into  
10 New York City. He was a guide. And he had a Master's License,  
11 Coast Guard for any ocean any place any time. So he was on our  
12 staff, and he trained initially the captains, and he trained  
13 like Al Dardis. Then these fellows will step up and train the  
14 new captain who is coming in. Those people are retired.

15 Q. To your knowledge in the 23 years you've known  
16 Captain Paris, have you been made aware at any time of any  
17 problem with alcohol or drugs?

18 A. Absolutely no drugs to my knowledge. I do have  
19 knowledge that he would have a beer periodically. I've never  
20 seen him intoxicated.

21 Q. To your knowledge in his employment has he ever, has  
22 he ever reported to work intoxicated or been disciplined for  
23 intoxicated or --

24 A. No.

25 Q. No.

1 A. No.

2 Q. Have you ever had a cause to discipline any other  
3 employees for intoxication at Shoreline Cruises?

4 A. For intoxication?

5 Q. Or drug use, sorry, intoxication or drug use.

6 A. Drugs are sort of behind me, my generation. I'm not  
7 that clear --

8 Q. Sure.

9 A. -- even recognizing, but I don't believe I've ever  
10 had one for, for alcohol use.

11 Q. Okay. Or for drugs for that matter?

12 A. Yes.

13 Q. That includes summer help and you know permanent  
14 help?

15 A. And permanent help, yes.

16 Q. Okay.

17 A. Regarding Shoreline Cruises.

18 Q. Right. Can you describe your relationship with the  
19 New York State Parks and Recreation, either the organiza tion or  
20 the Park Police and the management, oversight and the  
21 regulatory authority? Can you describe your relationship with  
22 that organization?

23 A. Well, it's, it's always been a good relationship.  
24 They've, they've made recommendations upon going through our  
25 vessels, and we've always taken care of them. They've -- I

1 don't believe they've ever had, ever had a reason to, to doubt  
2 what we're doing. They've always -- we've always done what  
3 they asked us to do when they (indiscernible) checks whether it  
4 be maybe some oil in the bilge or a pump we need to replace or  
5 we just simply took care of it. They do their inspections  
6 every spring as they have done this year, and looking at the  
7 inspections they have done this year and they appear very good,  
8 thorough.

9 Q. Okay. Who in that organization do you -- does your  
10 organization routinely talk to? Do you have a representative  
11 that you routinely communicate with?

12 A. There's a couple, two or three which we talk to,  
13 Brian Kempf, being one.

14 Q. Okay.

15 A. A fellow by the name of Peter, his assistant, and  
16 Paul, two assistants that they had there. Probably should know  
17 their last names, but I can't recall them.

18 Q. Okay. And so how do you arrange for your vessel  
19 inspections?

20 A. I, I do not. They do.

21 Q. Okay.

22 A. Come spring they send me a postcard. They say  
23 they'll be up at a certain time, and, and we pretty much adhere  
24 to a schedule. Once in awhile we ask them to come little bit  
25 earlier or later depending on where we are because we know

1 we've got to get everything up and set, try to get everything  
2 up for the inspections, all the fire extinguishers, flares. We  
3 have to update all our flares and go through all our life  
4 preservers. We do a self-inspection prior to, and then they  
5 will come up and do their checks.

6 Q. And if -- when the inspections -- the inspections  
7 occur onboard your boats and they find an infraction or some,  
8 something that needs to be remediated, do they come back and  
9 check to see if it's been fixed?

10 A. They have.

11 Q. Do they routinely do that? Do they always do that?

12 A. I can't say they always do it. Sometime if it's a  
13 minor thing, they'll put it down. If it's like a major thing  
14 that they will check, a minor thing that, well next year this  
15 will be on their report, and they'll check it and see if it had  
16 been done.

17 Q. Okay. How, how often besides the annual inspections,  
18 do they ever come down and do a spot check or call you  
19 routinely or make any other regulatory presence known?

20 A. I don't believe they've done spot checks.

21 Q. Can you describe what the role the Lake George  
22 Commission plays in your operation? What, what type of  
23 dealings do you have with the Lake George Commission?

24 A. Lake George Park --

25 Q. Park Commission, Lake George Park Commission.

1           A.    Right.  They, they're not into the mechanics.  They  
2   don't inspect the boats.  They're concerned about, more about  
3   lake cleanliness, the lake safety, and the performance of those  
4   boats on the lake.  They're concerned about obviously if  
5   there's bilge water going into the lake.  They're concerned  
6   with garbage that's thrown overboard.  That's pretty much what  
7   they're concerned about.  You know they, they check to make  
8   sure we're -- we have pump out facilities, you know, all the  
9   solids and the waste are take off and they go through the whole  
10  system to make sure -- you know, to check and see how it's  
11  done.

12          Q.    So you would describe them primarily as an  
13  environmental agency?

14          A.    Well no, they're heavy in the safety end too.  
15  They're the boat controls out there.

16          Q.    Can you describe that, that aspect of the safety  
17  patrol and your dealings with them on that -- in that respect?

18          A.    Not too much.  We just don't have too much trouble  
19  with them.  They're out there.  They're monitoring speed limits  
20  and (indiscernible), and they're there for emergencies.  They  
21  were there also for -- on Sunday.

22          Q.    Okay.  Can you describe what role the Warren County,  
23  Warren County has in your operation, if any?

24          A.    The Sheriff's --

25          Q.    Sheriff or the County at large.  The County as far as

1 your boat operation.

2 A. Warren County, no, not -- they -- I don't answer to  
3 them at all.

4 Q. Okay.

5 A. Other than the sheriff does have patrol boats out  
6 there, you know.

7 Q. Okay.

8 A. And they're monitoring, you know -- same thing the  
9 Park Commission does really.

10 Q. And what type of support or, or cooperation with the  
11 County Sheriff patrol boats do you -- is there an agreement  
12 with Shoreline Cruises or any routine communication at all  
13 between the two agencies?

14 A. No, no formal agreement.

15 Q. Okay.

16 A. But sort of an (indiscernible) between us because  
17 like in the summer every Thursday night we have fireworks, the  
18 Sheriff's out there, the Park Commission is out there, and we  
19 have our big boats out there, and they're watching.

20 Q. Okay.

21 A. Trying to clear -- turn people away so the big boats  
22 can get into their berths and things like that. And  
23 periodically during the summer when it's hectic, they'll come  
24 through and, and sort of move people out of the way in certain  
25 areas.

1 Q. And finally the -- I guess the State Police also have  
2 a presence?

3 A. The (indiscernible) Boat, yeah. I don't see it out  
4 there too often.

5 Q. Just for clarification, the U.S. Coast Guard, do you  
6 have any routine dealings with the U.S. Coast Guard for any  
7 reason?

8 A. Nothing routine. They do, I guess once in awhile put  
9 a boat on from the Burlington Unit, and they'll come down go  
10 through the lake.

11 Q. Have they ever visited your facility?

12 A. (Indiscernible.)

13 Q. And just why is that?

14 A. Huh?

15 Q. Why is that?

16 A. I don't think that's their charge.

17 Q. I mean I know, but I just want to hear it from you.

18 I want to talk to you a little bit about your -- the safety  
19 equipment onboard your boats and the equipment and safety  
20 elements. Can you describe the type of firefighting equipment  
21 onboard you boats? I guess you can divide them into the small  
22 cruise boats and the large ones.

23 A. Small cruise boats, the firefighting is basically the  
24 fire extinguishers that are required and, and that's about it,  
25 just the fire extinguishers on the small boats. On the big



1 boats, we have the fire extinguishers, of course, and then they  
2 each have their, their individual fire stations, in which we  
3 have pumps down in the engine room which pressurize this  
4 firefighting system.

5 Q. Okay. So on the, on the small boats, you have one  
6 fire extinguisher, is that correct?

7 A. No.

8 Q. Two, three?

9 A. I think there are three.

10 Q. Three. Okay. And they're what type? Do you recall  
11 what type they are? A, B, C's or --

12 A. They cover all the --

13 Q. A, B, C. You happen to know what size they are?

14 A. I don't. They are different sizes though, a couple  
15 of different sizes.

16 Q. Okay. And do you maintain a -- some sort of  
17 maintenance plan for firefighting equipment?

18 A. Not a daily routine inspection other than our annual  
19 done in spring and, and then the captains check these things  
20 periodically to just, you know, visually inspect them.

21 Q. Okay. If, if for some reason on the small boats or  
22 even large boats, a charter group or walk-up public group had a  
23 large number of children as passengers, exceeding the 10  
24 percent, which you normally carry 10 percent lifejackets?

25 A. Yes, I believe that's --

1           Q.    If someone came with say 25 children, a high school  
2 group or a grade school group, what would your operation do?

3           A.    Well, I know we've taken out nursery groups, from the  
4 nursery school up there in the past, and basically the kids all  
5 put life preservers on. That's sort of like a, a training  
6 process more for the teachers. The teachers enjoy doing this,  
7 teaching the kids how to handle that. We don't -- very seldom  
8 we get into like that I mean where we have that kind of  
9 numbers, but that would be an instance.

10          Q.    So at what point do the children put their life --  
11 their PFDs on? Do they put that on at the dock before they get  
12 on the boat or --

13          A.    I don't know whether it's on the dock or on the boat  
14 they put them on. But there was -- actually last time we did  
15 this -- maybe 6, 8 years ago (indiscernible) my own  
16 granddaughters were in that nursery school --

17          Q.    Okay.

18          A.    -- and that's why they came in.

19          Q.    Okay. So if, if there was a number of children  
20 exceeded the number of lifejackets for that particular boat,  
21 how would you accommodate those children with lifejackets?

22          A.    If we had, if we have knowledge that that's going to  
23 occur, then we would make sure we would have those jackets  
24 onboard, if they exceed the 10 percent.

25          Q.    Right.

1           A.    And not too often does that occur.

2           Q.    Okay.  Do you --  how often do you get children say  
3   under the age of say 10?

4           A.    Oh, well, I guess every day we get families.

5           Q.    So you do have children routinely?

6           A.    Yes.

7           Q.    Okay.  And do they wear lifejackets as a routine  
8   or --

9           A.    No.

10          Q.    Okay.  When the passengers are boarded, do the  
11   captains make a safety briefing in regards to lifejackets,  
12   where they can be found and so forth?

13          A.    Yes.

14          Q.    Is that a routine thing?  Is that a, is that a  
15   requirement by your company for them to do that?

16          A.    Yes.

17          Q.    And typically what kind of information is passed on  
18   in that briefing?

19          A.    Basically the location of the life preservers.

20          Q.    Anything else?

21          A.    No, because mostly it's just, just in general, you  
22   know, tell them where they are.

23          Q.    Okay.

24          A.    Have access to them.  I'm thinking now in -- mostly  
25   in terms of the small boats.  I'm not sure if they make that

1 announcement on the large boats. When you walk in to the large  
2 boats, your lifejackets are right overhead, and they're, you  
3 know, right in view. Just --

4 Q. Okay. Is there any sort of set inside your company  
5 an emergency plan or crisis plan in place for something that  
6 (indiscernible) happened on Sunday, some sort of arrangement  
7 with the sheriff or a call list or some sort of crisis plan?

8 A. We have crisis plans aboard the -- in the logs of the  
9 big boats.

10 Q. Okay.

11 A. On small boats, we don't have a log. We don't have a  
12 crisis plan as such. I don't know if we ever -- no one ever  
13 envisioned such a crisis.

14 Q. Can you describe in, in brief what that crisis plan  
15 on the large boats entails? What, what's the general --

16 A. Yeah. Depends on the location of the boat. There's  
17 a number of sites in which those boats could -- let's say --  
18 I'm thinking if one of the passengers has a heart attack or  
19 something and we can get emergency assistance to them --

20 Q. Okay.

21 A. -- where is the boat going to go? And there's some  
22 spots that that boat has the ability to pull into in the lake.  
23 They can get the sheriff there or the ambulance there and  
24 some -- or some medical people there to help them out. So we  
25 do have that in place, and --

1           Q.    Okay.  And so you, you've identified an advance  
2 places for the large boats to pull into for the --

3           A.    Yes.

4           Q.    -- passenger safety?

5           A.    There are not too many places which we can do that.

6           Q.    Of course.

7           A.    But for those that are available, they're written  
8 down, and, and that way we have -- all have access to, to the  
9 roadways.  Some of them, we can get into but no one can get out  
10 to us, you know, being that type of place.  We have to have  
11 accessible.

12          Q.    (Indiscernible) a procedure for the captain to  
13 follow, who to call?  Does he call 911 or does he call you or?

14          A.    No.  They go over to 911.

15          Q.    Okay.  To your, to your knowledge, has that occurred  
16 in the last few years this -- had to put a passenger off for  
17 medical?

18          A.    Yeah, we, we did have one.  I think that was when we  
19 had the Defiance.  I'm not sure how many years ago, but a few  
20 years ago.  It was exactly that.  It was a heart problem a  
21 person had, and he was going into congestive heart failure.

22          Q.    Okay.  Does your -- I know the small boats don't, but  
23 do the large boats carry any sort of medical equipment onboard?

24          A.    Yes.  They have a, you know, a regular medical pack  
25 with all kinds of things in it.

1 Q. Okay. First -- like a large first aid kit?

2 A. Yes.

3 UNIDENTIFIED SPEAKER: There's an EMT grab bag.

4 MR. TURRELL: Okay. So that's how --

5 UNIDENTIFIED SPEAKER: (indiscernible).

6 MR. TURRELL: Like a trauma kit.

7 UNIDENTIFIED SPEAKER: Correct.

8 MR. TURRELL: Okay.

9 MR. J. QUIRK: Good. Thank you.

10 BY MR. TURRELL:

11 Q. Okay. We're also interested in how the company  
12 tracks the number of persons onboard, and you said you  
13 installed a computer recently. Can you give us an idea of how  
14 you track passengers and how the company knows how many persons  
15 are on the boat at any particular moment?

16 A. The -- well, it's all on the computer, the number of  
17 tickets that are sold. I don't track it, you know, hour-to-  
18 hour, ship-to-ship, but what happens is the captains track it  
19 for, for the boats, the big boats and even the large boats.  
20 They're watching because when they go out for a lunch cruise  
21 say and they have a capacity of 120 they can feed on say on the  
22 Adirondac, they're concerned. They want to make sure that they  
23 have, well, enough food to feed them.

24 Q. Sure.

25 A. They want to make sure that they can take care of

1    them well once they get onboard.  So there are times when  
2    we've, we've cut off selling of tickets based on just simply,  
3    you know, there's only so much food prepared for this  
4    particular trip.  A lot of times, that's a hard guess.  The  
5    chef has a hard time, you know, knowing what to prepare, not to  
6    prepare.  They prepare too much, it costs -- have problems  
7    there, and if you don't prepare enough, you have real problems  
8    there.

9           Q.    So the, the two large boats have for the public  
10   cruises have a -- some sort of dining food --

11          A.    Right.

12          Q.    -- service?

13          A.    Well, the Horicon does not go out for the lunch and  
14   dinner cruise.  That's pretty much just for passengers, and we  
15   have onboard a bar and they'll have light things like chips,  
16   crackers and things like that.  The Adirondac has taken over  
17   the lunch cruise and the dinner cruise, and it has a much  
18   larger galley, and can do things quite a bit better.  The -- so  
19   the cruises basically are just simply right now this year we,  
20   we're on hour and a half cruises with the Horicon, which just  
21   simply has passengers, passengers not with food.  The Adirondac  
22   had two-hour cruises, two-hour runs and two-hour dinner, and  
23   that had a -- how do you say the --

24               MR. TURRELL:  Going to take a pause real quick here  
25   just for a moment.

1 (Pause.)

2 MR. TURRELL: Okay. We're back on the record here.

3 BY MR. TURRELL:

4 Q. Okay, so we were talking about the food service. I  
5 understand that. And so the -- currently the system for  
6 passenger accountability that's computerized, what does that  
7 computerized system track exactly? What --

8 A. Number of passengers per cruise, for specific cruise.

9 Q. And how long has that system been in place?

10 A. We started it this year.

11 Q. And how -- how does the system limit for example if  
12 some -- if you -- if 60 people showed up wanted to take the  
13 cruise and obviously the boats have certain passenger limits,  
14 does the computer stop selling tickets at a particular number  
15 count for --

16 A. Yes, it will do that, and in addition to that, of  
17 course the, the people in the ticket booth will, will put up a  
18 flag too.

19 Q. Okay.

20 A. And the captains will be aware of, you know, that  
21 situation.

22 Q. Okay. The number of persons onboard, they're limited  
23 by the certificate issued by the State of New York, is that  
24 correct?

25 A. That's right.



1           Q.    And the day the Ethan Allen went out, they had 47  
2 passengers onboard, I believe, and one crew member, is that  
3 correct?

4           A.    The -- I'm not sure which is correct. I hear 47 on  
5 one, I hear 46 on one. I'm not sure of the accurate count.

6           Q.    Okay.

7           A.    My captain gave me 46 and one, that's why I'm saying  
8 that.

9           Q.    Now, this particular cruise or it was from a bus  
10 charter or for a particular charter group?

11          A.    Yes.

12          Q.    And so in this case, how was it -- how were the  
13 tickets counted or how was that put in the computer in this  
14 particular case?

15          A.    It was -- that was -- charters like that are not --  
16 they do not go in the computers. They're -- prior to that,  
17 there is a contract that they have and that we have in the  
18 ticket office, and they check that contract and the number the  
19 captains will fill out a sheet for -- either that or the ticket  
20 booth person, as to the count the number of people that were  
21 out onto the boat for that particular cruise. The -- that  
22 particular -- that, that's about all I can add to that. We  
23 don't give them individual tickets though. I mean  
24 (indiscernible).

25          Q.    And are the names of those passengers also kept as

1 part of the charter agreement?

2 A. No.

3 Q. So passenger names normally would never be kept by  
4 you folks, is that correct?

5 A. (Indiscernible.)

6 Q. Before the computer, how did you keep track of  
7 passenger counts?

8 A. Relying basically on the people that sold the  
9 tickets, which was basically prior to the computer a cash  
10 register in which they gave them the receipt.

11 Q. Okay.

12 A. And then from there, the captain would be doing  
13 counts as well. Difficult way of doing it. We had a lot of  
14 back and forth where people had to check.

15 Q. Okay. And large boats currently the system is by the  
16 computer, prints out tickets, and the tickets are captured by  
17 the captain. Where are those -- the tickets the captain  
18 captures, do they go back to the office and are matched against  
19 the computer? How does that work?

20 A. We -- no, we haven't been doing too much of that.  
21 What we, we do some. The tickets are two-part, and they tear  
22 off one part and give it to the person and printout on the  
23 ticket gives the time of departure, gives the boat name, the  
24 ride they're on, and that way those people that go onto the  
25 boat will know, you know, whether -- if they're getting a lunch

1 or, or dinner cruise, and they're -- in addition to that, we  
2 sell tickets without lunch and without dinner, so the  
3 (indiscernible) designates between whether they have the lunch  
4 coming to them or not, and then (indiscernible) just simply  
5 ride without having lunch or dinner, and that would be  
6 distinguished by the ticket. One-half of -- not one-half of --  
7 part of it goes to them, and then we keep just a small part of  
8 the stub, which has all of the same information on it, and then  
9 that is put into an envelope, goes back to the ticket booth,  
10 and they verify it.

11 Q. Okay.

12 A. Number on board.

13 Q. Okay. And does the New York State ever ask you for  
14 those records for passenger counts? Does the New York State  
15 Marine Police or their -- I'm sorry, the, the long acronym is  
16 Historic Preservation Society -- I can't -- the New York State,  
17 do they ever ask for passenger, for passenger records to  
18 verify --

19 A. Counts, no.

20 Q. Okay. I'm going to talk to you a little bit about  
21 maintenance just for the, the maintenance procedures in your  
22 company, how the boats are maintained and who maintains them,  
23 what records are kept.

24 A. I guess you might say we're not the biggest record  
25 keeper as far as paperwork goes. We do some, but on the tour

1 boats we go through and, and we routinely, and I mean  
2 routinely, daily, go through all the conditions on the boat.  
3 Throughout the summer -- I lost one good man this year, retired  
4 from (indiscernible), but they offered him such an opportunity,  
5 I -- he couldn't possibly stay with us. And he was doing my  
6 maintenance for me. We're now in the process of training a new  
7 person on the maintenance. And what they do is -- what he was  
8 doing, and I'll explain what he was doing, was every morning  
9 when he came in, he would do a complete check of the equipment.  
10 Not only would he do it, of course, but every one of the  
11 captains did it as well. So we had a double check, just in  
12 case someone missed something. And he kept track of the times.  
13 We don't have hour -- we do not have hour meters on the tour  
14 boats, but what we do that is by periodically try to keep to an  
15 oil change like every 150 hours and we can estimate that by  
16 the, by the season, how many weeks he's going in the season,  
17 how many hours he puts on. They go through and they change  
18 periodically propellers in the, in the water pumps. The normal  
19 things they do. So that basically we won't have failure. On  
20 the big boats, on the Horicon, what we do is we change the --  
21 again, we change our oils and so forth based on 150 hour time  
22 interval, and our mechanics will go through the systems, the  
23 engines and the generators, there's two generators onboard, as  
24 well every day, and check bilges and see if they have water.  
25 If we should have water, they find out why we have water. And

1 to the best of my knowledge the only time we've ever had water  
2 is condensation coming off of our air conditioning units.

3 Let's see, what else do they do? They go through, you know,  
4 they check and make sure our piping system is good.

5 Q. Okay.

6 A. So we don't have other leaks from our fresh water  
7 system supply.

8 Q. What do you consider to be primary complaint, if you  
9 will, or the primary maintenance issue on the Ethan Allen class  
10 of boat? What is the area of maintenance you spend the most  
11 money on?

12 A. Oil changes.

13 Q. Who -- is there a service representative that does  
14 engine overhauls for you? Do you have like outside contractors  
15 do engine repairs?

16 A. When we had to -- the only engine we -- well, I  
17 shouldn't say the only engine. We have our own mechanics,  
18 diesel mechanics, and we have outside people, an outside person  
19 come in and overhaul one engine once. Very seldom do this  
20 outside. It's mostly our own mechanics.

21 Q. Okay. Has Shoreline ever lost a cruise due to  
22 maintenance? In other words cancelled a cruise for maintenance  
23 issues.

24 A. Not that I can recall.

25 Q. Okay. I didn't catch the names of the, the departed

1 maintenance person and the new person.

2 A. The -- I didn't give it to you. Ted -- what's  
3 Ted's --

4 UNIDENTIFIED SPEAKER: Beaudet, B-e-a --

5 MR. J. QUIRK: B-a-u-d-e-t.

6 BY MR. TURRELL:

7 Q. How about the one that, that left?

8 A. That's the one that left.

9 Q. And the current person?

10 A. Well, right now I have really two; one's actually a  
11 certified diesel mechanic, Tom Vrooman is it?

12 UNIDENTIFIED SPEAKER: Vrooman.

13 MR. J. QUIRK: Yeah, V-r-o-o-m-a-n, I think, and the  
14 other one is Bill Landrigan (ph.). Spelled -- it's a funny  
15 spelling.

16 MR. TURRELL: Okay, okay.

17 UNIDENTIFIED SPEAKER: (indiscernible).

18 MR. TURRELL: Okay.

19 BY MR. TURRELL:

20 Q. Okay, Jim, if you would just -- we'll go back to  
21 Sunday, and if you could just describe --

22 MR. TURRELL: -- sure. Do you want to take a quick  
23 break --

24 UNIDENTIFIED SPEAKER: Now or if you want to take a  
25 break, you know --

1 MR. TURRELL: Yes, take about --

2 We're going to go off the record for a moment.

3 (Off the record.)

4 (On the record.)

5 MR. TURRELL: Okay, we're back on the record with Jim  
6 Quirk, and he's about to give us an account of Sunday, October  
7 2nd.

8 BY MR. TURRELL:

9 Q. Go ahead.

10 A. Well, that particular day we had a number of cruises  
11 that went out. We had, I believe, three or four charters, one  
12 big charter, a wedding on the Horicon that went out from 12 to  
13 3, and then we had a charter that was supposed to go out at 3  
14 o'clock on a tour boat, but a group came in early, the one that  
15 boarded the Ethan Allen. They came in early, and they went out  
16 and I'm not sure what time exactly they left the dock, maybe  
17 2 -- between 2:30, I'd say and 2:45.

18 UNIDENTIFIED SPEAKER: Is this the Ethan Allen?

19 MR. J. QUIRK: This is the Ethan Allen. This is what  
20 you want to focus on?

21 BY MR. TURRELL:

22 Q. Actually, this -- you were saying you had three or  
23 four charters, this boat, that boat. As much detail about that  
24 day as you can remember.

25 A. All right. Want me to just continue on with this

1 one?

2 Q. Uh-huh.

3 A. I can back up --

4 Q. Sure.

5 A. -- whatever. The Ethan Allen went out somewhere  
6 between 2:30 and 3:30. I wasn't exactly aware of what time it  
7 departed. The people wanted to get out onto the lake a little  
8 earlier, they arrived earlier, so we went. The, the boat went  
9 out, and I was on the waterfront. The Horicon came in. I --  
10 in fact I walked down. I was helping secure lines on the  
11 Horicon when I received a call from the ticket booth saying  
12 someone is on the phone, they want to talk to you, and I get  
13 this phone call from a frantic person on the lake, Chris  
14 Montana, who called in to us as well as 911, and was telling me  
15 that the Adirondac -- the Ethan Allen is, is sinking -- oh, my  
16 God. So in my mind at that point the only thing I could think  
17 of is how was I going to get up there and what would I take up  
18 to help if I could. And so I grabbed one of our pontoon boats  
19 and I ran up, I grabbed one of my deck hands and he was on the  
20 boat with me, and we ran up to Cramer's Point. Getting to  
21 Cramer's Point, I observed the -- don't observe anything. I  
22 can't see the Ethan Allen. I was -- I didn't know what was  
23 happening. Obviously at that point by the time I got there, it  
24 had gone under. The, the boat was down, and there was people  
25 all around -- there were a lot of other private boats there,



1 and they were helping out as best everyone could. There was a,  
2 a mess of life preservers in the water, and I -- when I came  
3 in, I saw a boat with Captain Harris on it and two of the  
4 passengers from the Ethan Allen. I picked up those two  
5 passengers and Dick Paris at that point, brought them up in my  
6 pontoon boat. I brought the two passengers to shore where they  
7 could get some blankets and so forth and warm up, and then  
8 headed back out to the scene to see if there's anything else I  
9 can do, and in so doing I was told Larry Cleveland (ph.) was in  
10 the boat (indiscernible) so I drove over to see Sheriff  
11 Cleveland's boat and he asked -- we talked briefly, and he  
12 asked me if he could board the pontoon and speak to Dick. And  
13 at that point, he told me basically why he was going to do that  
14 and just wanted to in his own mind to assure himself that there  
15 was no, no alcohol on his breath, and Larry Cleveland did go  
16 over to Dick. I see -- I saw him talk to him, and when he  
17 talked to him, his face was probably six inches away from  
18 Dick's face. When Larry came back to me after that he said, he  
19 said I feel confident now. And with that he said Dick is, Dick  
20 is okay. And so I personally hadn't even thought about that  
21 being a possibility tell you the truth, but just  
22 (indiscernible). He -- but he did check on that. And then  
23 from there, I took the pontoon back to Shoreline. I get back  
24 to Shoreline and I meet -- tie up the boat, get Dick off. I  
25 bring him to my office on shore, tried to get him warmed up.

1 He was still in his wet clothes, and tried to dry him off a  
2 little bit, and at that point, I think it was Detective David  
3 that came in and interviewed Dick Paris.

4 Q. What time was this?

5 A. Maybe 4 o'clock.

6 Q. Can you recall roughly what time you -- the sheriff  
7 talked to Richard Paris on the boat, on the boat out in the  
8 water?

9 A. Okay. I left like Shoreline around 3 o'clock. Took  
10 me maybe 15 minutes to get up there with the pontoon boat. Say  
11 3:15. Let's say 3:30.

12 Q. Okay. Okay.

13 A. (Indiscernible) brought that down, and then assuming  
14 it's four, could be a little after four, that Captain David met  
15 us and went into my office with Dick and I and interviewed Dick  
16 at that time, and -- everything that, that he could remember  
17 and could handle, and I was surprised he handled everything as  
18 well as he was. He was shivering a bit and shaking as well.  
19 And, and discussing this with Detective David, it was Detective  
20 David who asked Dick would he be willing to -- I'm not sure  
21 what test, but take a test, whether give blood or urine samples  
22 at that point, would he be willing to do that, and Dick  
23 immediately said yes, and, and nothing to my knowledge  
24 proceeded beyond that point as far as actually taking tests.

25 Q. And that was, that was in your office?

1           A.    That was in my office.

2           Q.    At 4 -- roughly 4 o'clock?

3           A.    Well, probably a little after four.

4           Q.    Okay.

5           A.    And by the time the detective finished talking to  
6 Dick, I think that might have been maybe an hour after in which  
7 maybe around 5 o'clock he may have asked him about taking his  
8 blood or urine. I don't know. I don't remember, but I know he  
9 asked him to take a test for I guess drugs and alcohol, if he'd  
10 be willing to do that.

11          Q.    Sure. Okay. So my understanding is that someone  
12 from the sheriff's office, Doug David, asked if Captain Paris  
13 would be willing to give a drug and alcohol test, either urine,  
14 blood?

15          A.    Yes.

16          Q.    And did Captain Paris object?

17          A.    No. He complied immediately.

18          Q.    But to your knowledge no, no sample was given at that  
19 time?

20          A.    Not at that time.

21          Q.    As an employer, what was your position about the drug  
22 and alcohol policy or drug and alcohol test at that particular  
23 moment?

24          A.    Again, like I said, I was not really attuned to the  
25 drug scene as such, but if I had any inclination it was

1 alcohol, I would have gone forward and asked them to do it. I  
2 didn't see any evidence of it. I concur with Larry Cleveland  
3 on that.

4 Q. Okay. And to your knowledge, was there a background  
5 of alcoholism with Captain Paris that, that you were concerned  
6 about in any way? Was there any --

7 A. No.

8 Q. -- concern about that?

9 A. Like I said with Dick, I think he's a consumer of  
10 alcohol, but I don't think he's an alcoholic. I think he'll  
11 have a beer or two a night. I think he'll have a beer at a  
12 football game. I mean he's just that kind of a person.

13 Q. Okay. If I can just get back to when you arrived at  
14 the scene at Cramer's Point and you're looking around, you did  
15 not see the Ethan Allen. Did you see any passengers in the  
16 water at that time?

17 A. No. The passengers had been picked up. I guess  
18 most, probably all of them had been picked up by the private  
19 boats that had --

20 Q. Okay. Now the life preservers you saw in the water,  
21 do you recall if they belonged to the Ethan Allen or were --

22 A. I really wasn't looking to identify them. I do know  
23 some of them looked like the Type II's. They weren't the Type  
24 I's the Ethan Allen carried. And some were Type I's also,  
25 whether Ethan Allen Type I's or not.

1 Q. Okay.

2 A. The -- like I said, my wife went up after me on the  
3 platform with two of our captains, and they picked up I guess  
4 they picked up -- three of them.

5 Q. Okay. All right, can you tell me who runs the day-  
6 to-day operations at Shoreline Cruises? Who, who is the major  
7 management representative for that particular operation?

8 A. For Shoreline Cruises?

9 Q. Uh-huh.

10 A. You're looking at him.

11 Q. Okay. All right. And so in (indiscernible)  
12 operations they call that person like a port captain or  
13 something. Is that kind of how you characterize your role in  
14 that?

15 A. No. Just a manager.

16 Q. Manager.

17 A. I would work on scheduling, that type --

18 Q. Okay.

19 A. So wherever I'm needed, I --

20 Q. Okay, so you're, you're handling the day-to-day  
21 decision making at Shoreline Cruises?

22 A. Pretty much.

23 Q. Okay. You mentioned that of course the other  
24 operations have other boats, pontoon boats and parasailing  
25 boats. Can you give me a rundown of those other craft besides

1 the five?

2 A. Yeah, we --

3 UNIDENTIFIED SPEAKER: Running that day or just  
4 overall in --

5 BY MR. TURRELL:

6 Q. Overall. I'm sorry, just overall in the operation.

7 A. Oh, okay. Fully separate operation. JDQ is our  
8 parasailing corporation.

9 Q. Okay. And how many boats does the JDQ operate?

10 A. We have -- well, we're allowed to again permit, under  
11 permit we are allowed to have one raft and three parasail  
12 towboats, and that's what we operate.

13 Q. Okay.

14 A. What we operate are nautic, ski nautics.

15 Q. Okay. And the other, any other operations have any  
16 other watercraft besides the U-rent, the rental boats I think  
17 you mentioned.

18 A. Yeah, U-Drive boat rentals.

19 Q. Uh-huh.

20 A. And they have 16-, 17- and 18-foot runabouts with  
21 motors on them from 25 horsepower to 70 horsepower.

22 Q. Are those -- the ski boat, the parasail and the  
23 rental boats, what type of requirements do you have for the  
24 operators and what kind of requirements do you have for wearing  
25 lifejackets on those other boats?

1           A.    Okay.  Let's start with the parasail, excuse me,  
2  parasail boats.  The, the requirements for life preservers  
3  is -- 11 years and younger if they should go out and be on the  
4  raft, if they're on the raft, they have to wear a life  
5  preserver at all times.  The person that's parasailing will put  
6  on a life preserver when they parasail.  The, the operators on  
7  the boat, on the raft itself do not wear life preservers, but  
8  we carry -- that's a -- that raft is licensed.  It has a public  
9  vessel license, and we're permitted to carry -- I forget  
10 what -- we have preservers for the number of people we're  
11 permitted to have on that raft.

12          Q.    Okay.  And the U-Rent -- U-Drive boat rentals, what  
13 type of requirements do you have for the operator and also for  
14 PFD wear on those boats?

15          A.    The operator of the, of the boat, there's no  
16 particular requirement for wearing PFDs other than if they're  
17 11 and under they have to wear while they're on the  
18 (indiscernible).

19          Q.    Okay.

20          A.    I believe that's the age, right, for the --

21          Q.    I think there is a -- yeah, a nation-wide --

22          A.    11 and under.

23          Q.    -- PFD thing, yes.

24          A.    And they wear and we require that -- you know when  
25 they get out there quite often they may take it off, but we do

1     require when they leave our dock to have that on.

2           Q.     Okay.

3           A.     Otherwise they don't leave the dock.

4           Q.     And what kind of checkout do you have for the  
5     individual driving your, your U-Rents. I mean how do you --

6           A.     Well --

7           Q.     -- those individuals?

8           A.     What we -- it's tough. To be perfectly honest,  
9     throughout the, the summer months, and if you observe Lake  
10    George and you're up there, you'll see, you're lucky to hear  
11    English being spoken. That's sort of the minority language.  
12    It's everything from all your Slavic languages, the Indian,  
13    your Asian languages. And we try to make sure that first of  
14    all when they're renting a boat they understand what we're  
15    saying to them. And so that, you know, a lot they'll be  
16    nodding their head yes and yes, but they have no concept of  
17    what we're saying to them. Then they say now what? They don't  
18    even know what -- after we explain all this, don't even know  
19    where to go. And so we will (indiscernible) them, if we feel  
20    that they don't understand our instructions. That's at the  
21    ticket booth, and at the ticket booth, they have a map, they  
22    show them the lake, they show them where they can go and where  
23    they can't go, and they go through the hazards, the hazardous  
24    areas, and they show them where the hazards are located on this  
25    map. Then they go out to the dock, and the people on the dock,



1 the dock boys will take them out for a little ride on the boat,  
2 show them the controls, how they work, how they steer, and try  
3 to give them a little experience -- they're steering from  
4 behind now. Sometimes it's first time boating experience for  
5 some people. And, and our dock employees spend the time again  
6 going through the map showing them where to go. Now where  
7 we're located, we're inside the five-mile-an-hour zone. 1500  
8 feet inside the five-mile-an-hour zone. So they also point out  
9 the buoys which they have to (indiscernible) to get out. Once  
10 you get beyond the buoys, then you can open the throttle, not  
11 until then. And they'll go through all those safety areas and  
12 giving them a rundown how much they retain of this, especially  
13 a first-time boater, the rules of the road. But that's the  
14 difficulty.

15 Q. How long does this orientation take say for someone  
16 to walk up to the ticket booth and then the boat checkout with  
17 the dock boy? How long a process is that?

18 A. Probably a half hour.

19 MR. TURRELL: I'll go ahead and let Walt question.

20 UNIDENTIFIED SPEAKER: (indiscernible)

21 SGT. SCHEDEL: That's okay. I just have a couple.

22 BY SGT. SCHEDEL:

23 Q. Just going back into the general operation of  
24 Shoreline Cruises. We'll stay away from the parasailing and  
25 the, and the rentals.

1           Q.    You said you, you do all the schedules for the  
2 captains and the crews on the boat.  That's all set in advance?  
3 Is that done on a daily basis or weekly basis?

4           A.    Weekly.

5           Q.    Weekly.  Is there some leeway in that schedule to  
6 anticipate a larger group than you might expect for a given day  
7 where you might need additional crews on a boat?

8           A.    Yes, there is.

9           Q.    Okay.  Talking about the inspection process again  
10 with Parks and Recreation.  Have you ever had a boat that had  
11 any major deficiencies noted or that was taken out of service  
12 for a period of time and required re-inspection?

13          A.    Never taken out of service or -- require re-  
14 inspection, there may have been some requirement of re-  
15 inspection.  We had a deficiency some years back on the  
16 Defiance, and that was taken out of service and re-inspected  
17 and put back into service.

18          Q.    Okay.  Is it uncommon at all to have some minor  
19 things noted on an inspection report?

20          A.    Yes.

21          Q.    It is common or uncommon?

22          A.    To have?

23          Q.    To have like minor things noted on an inspection  
24 report, the things that wouldn't prevent you -- wouldn't  
25 require re-inspection but would have to be repaired before the

1 boat could go out.

2 A. Well, not even that serious. Would just be a minor  
3 thing would be a comment, more of a comment in the sense like  
4 they may say, well, the boat's bilges should be cleaner, you  
5 know, get them cleaner, and you know things like that. Nothing  
6 that would stop the boat, if they're talking about general  
7 cleanliness of a bilge say. I can't think of any specific  
8 things I can really give you offhand. I, I'm sure if I go back  
9 to the history during the course of -- there are minor things  
10 because in the bottom of these reports they have the space they  
11 can put on comments and things, and, and they'll note it. If  
12 it's a serious thing and it's (indiscernible) or if they have  
13 to come back to see it.

14 Q. Okay. To your knowledge, have you ever had to have  
15 them -- well, we've already gone into that. I already asked  
16 that. Question on your safety equipment. You talked about  
17 your fire extinguishers they check them on a daily basis. If  
18 one -- we all know fire extinguishers discharge on their own,  
19 they lose pressure, what have you. Who -- what do you do with  
20 those fire extinguishers that require recharging?

21 A. We have spares.

22 Q. Okay. You do have spares?

23 A. Yes.

24 Q. Who services those? Do you just throw those away and  
25 buy new ones or does somebody come in to service it?

1           A.    Small ones, it's cheaper, it's more economical to  
2   throw them away.  And but the larger ones, we have them  
3   serviced by New York Signal -- fire.

4           Q.    And that would include the fixed extinguishers as  
5   well?

6           A.    Yeah.  Let me see.  Those are special Halon systems  
7   that, yeah, they -- I guess they do those too, the Halon  
8   systems.

9           Q.    Okay.

10          A.    It's no longer Halon.  The gas has changed.

11                UNIDENTIFIED SPEAKER: (indiscernible) use halon  
12   (indiscernible) new inner gas they use and I can't think what  
13   it's called either.

14                BY SGT. SCHEDEL:

15          Q.    As far as the safety briefings go, you stated that  
16   the captains do safety briefings, explain where the lifejackets  
17   are.  Is that by any kind of written direction?  I mean in  
18   other words, do they have a written instruction or a handbook  
19   they go by or they just make it up as they go?

20          A.    I have in the past, I'd have to look it up over the  
21   years, we've had manuals.  I'm not sure where -- what I can dig  
22   up for you on a manual.  If I can dig them up, I'll dig them up  
23   for you, but there's no one that's been with me that's so new  
24   that wouldn't have had the opportunity to go through all that.  
25   These people you know just have been with me a long time.  They

1 know the system.

2 Q. Right, and basically by (indiscernible) at this  
3 point, but there is, there is no -- like, you know, part of a  
4 safety lecture, we want you to point out where they are, maybe  
5 show them one, things like that? There's nothing that says  
6 they have to go step-by-step?

7 A. There's nothing, nothing like that. What they  
8 normally do on those boats where they're enclosed, the two big  
9 boats, actually they're pretty much all exposed.

10 Q. Right.

11 A. The majority are just slung on the overhead. The  
12 small boats are right in the back compartment. And that's  
13 (indiscernible), and that's where they point (indiscernible).

14 Q. Okay. And then I just -- a follow-up on one of  
15 Morgan's questions. He asked you if you had ever had to cancel  
16 a cruise due to a maintenance problem on a boat. I'll go a  
17 little bit further. Your answer was no. We'll go a little bit  
18 further. Were you ever required to possibly assign a different  
19 boat to that particular cruise because of some maintenance --  
20 doesn't have to be a major maintenance issue, but for any  
21 maintenance issue?

22 A. I would say in the 27 years I ran, there's a  
23 possibility I may have, but I can't recall one.

24 Q. Okay.

25 MR. TURRELL: Follow-up again.

1 BY MR. TURRELL:

2 Q. Are there any -- do you have any primary written  
3 instructions or directives to your employees like a bare  
4 minimum code of conduct or requirements? Is there any such  
5 thing in writing for your employees?

6 A. Don't have a code of conduct for the employees as  
7 such. I had a -- I developed some manuals. We have a lot of  
8 information in the logbooks.

9 Q. But those logbooks aren't on the small boats, is that  
10 correct?

11 A. They're not on the small boats.

12 Q. So --

13 A. There's not one of those captains I may just add  
14 though that have not been on the big boats. They're all  
15 Masters, and they've been through it. They may not have been a  
16 pilot, but they rode with the pilots and you know have been  
17 assigned to that boat, and part of it is the cross-training.  
18 We sort of cross-train everyone on everything.

19 Q. But currently there's no current standing written  
20 orders for --

21 A. No standing --

22 Q. Okay. Is a safety briefing a requirement from New  
23 York State to your knowledge, a formalized, I'm the captain,  
24 instructing the passengers to where the life preservers are,  
25 how to put them on and evacuation instructions and so forth?

1           A.    I've never seen one.

2           Q.    Okay.  And does your company have such a policy to  
3   require safety briefing for passengers?

4           A.    Yes, best we can do all captains are told to, to --  
5   with the short time period they have with them to do that.  
6   They will go through those things they can point out to them.

7           Q.    The crew size.  Sometimes the boats have been -- to  
8   go out with one crew member or two crew members.  Can you tell  
9   us about when you require the boats to have two persons  
10   onboard?

11          A.    Well, sometimes on the cruise, I guess, we, we have  
12   the big boats, small boats.  It's little bit different.

13          Q.    Let's take the small boats.

14          A.    Okay.  What it is, is most all the captains, I say  
15   most, all our captains know that you know they -- if they have  
16   a cruise that's going to get up there in numbers, you know, 30,  
17   40 to take -- make sure they have a hand onboard to help them  
18   out.  The, these people that I call hands, these deck hands  
19   are -- I have maybe on any given day four to six of them that  
20   are working in the -- docks and are working the parking lots  
21   and they're working in the immediate area, and what they do is  
22   they just say look, I'm at this number, and they don't even  
23   tell me about it, they just take one of these (indiscernible)  
24   people and they, they go, and they have their -- a crew member.  
25   That helps them out a bit out there.  The lines for the boat,

1 for the boat to come in or our taken care of pretty much by the  
2 grounds people that are on the docks.

3 Q. Okay.

4 A. And the, and the dock crews will help them out  
5 getting out from those docks as well, and they also do  
6 (indiscernible). This is where, you know, this is ultimately  
7 where we start the training process. I don't know how many  
8 young people in this, in this area around here we started on  
9 their careers, and they start 14 to 16 years old, and then they  
10 go off and then they end up with a PE license by the time  
11 they're 18, then they go into the other boats. They start  
12 driving parasail boats and going through -- and that's really  
13 part of our bringing young people up into our system.

14 Q. Okay. So would you consider then the assignment of  
15 additional crew on the small boats is up to the captain to  
16 decide he needs extra people?

17 A. Yes. The based -- the captain has knowledge and  
18 he'll take -- once he gets a -- because that -- see what  
19 happens I would say a guesstimate that the majority of our  
20 cruises are probably maybe 10 people, 8 people, and so they  
21 don't need to have another hand. But as it starts getting up  
22 into the 30s, 40s, then they need another hand, and then  
23 they'll get another person to --

24 Q. You're the best person to have a handle on this. How  
25 many times do you believe that the Ethan Allen or the two



1 sister boats have taken out numbers of passengers approaching  
2 the full limit? We're trying to determine how often this  
3 occurs in light of what we learned yesterday. It's  
4 increasingly important that we understand how often the boats  
5 carry close to maximum load. Can you give us an idea of how  
6 often that occurs?

7 A. I -- that's a hard one, because I'm not always there  
8 on the dock to see that, but I, I think I would have to -- I  
9 know you asked that same question of John Mason. I would have  
10 to concur about what he was saying. I think it was around 1  
11 out of every 20 or something like that.

12 Q. Okay.

13 A. If that much. Because we put out about 10 of those  
14 hour cruises a day, and we get one that's full every other day,  
15 something like that.

16 UNIDENTIFIED SPEAKER: 1 out of 10 you said?

17 MR. TURRELL: 1 out of 20.

18 MR. J. QUIRK: 1 out of 20. So we'd get like one  
19 full one --

20 BY MR. TURRELL:

21 Q. Every other day?

22 A. -- day or so.

23 Q. Has any other captain or employee talked about  
24 problems carrying that number of people on those boats, either  
25 for safety reason or for control issues of any kind?

1           A.    No.

2           Q.    Have you operated the Ethan Allen with that many  
3 persons onboard?

4           A.    I have.

5           Q.    Does it behave differently -- well, how does it  
6 differ from --

7           A.    (Indiscernible)?

8           Q.    Sure.

9           A.    No.  It behaves as I would expect it to.  It has more  
10 weight on it, and it's sitting deeper in the water.  But  
11 it's -- in handling it, I've been out in pretty rough weather a  
12 few times with it, and it -- they handle quite well.  That's  
13 why --

14          Q.    Is it usual for the boat to have a list or a trim  
15 differential like down by the head or down by the stern or any  
16 list with that many people onboard?  Is it common?

17          A.    No a list from port to starboard, but it will sit  
18 flatter in the water.  I'll say the bow will be down lower, and  
19 that's, you know, when you're sitting up in that seat and  
20 you're here in that seat when you have a small load versus a  
21 large load, you can see that difference --

22          Q.    Uh-huh.  Can you estimate how in inches, how much  
23 lower the bow is compared?

24          A.    Maybe around maybe six inches.

25          Q.    When you get that many persons onboard, is -- when

1 you say the boat handles differently, how does it maneuver  
2 differently steering-wise with that many people?

3 A. Well, you can feel the momentum, you know, swing, you  
4 take your turns gently and --

5 Q. So you definitely alter the way you handle the boat  
6 with that many people onboard? Do you consciously maneuver the  
7 boat differently?

8 A. No. No, I maneuver it pretty much the same, but you  
9 can feel the difference because of the weight, the momentum  
10 swing.

11 Q. Uh-huh. And, and throttle, do you throttle  
12 differently when you're pulling loaded as opposed to --

13 A. The -- our throttle we're -- they, they run a rather  
14 small diesel anyway. The engines are 110 horse.

15 Q. Right.

16 A. They -- you go to 1800 rpm's, and that's really sort  
17 of a, a nice quiet rpm to run at. By quiet, I mean the engine  
18 tapers down pretty (indiscernible) any load they run about the  
19 same rpm. Not much difference in wake or anything, and the  
20 steerage at low speed coming into the dock is really quite good  
21 I found. It's got a sizable rudder on it and it steers --

22 Q. So given the event on Sunday and what we learned  
23 yesterday, what, what are your impressions and, you know,  
24 the -- what the boat accident and what we learned yesterday in  
25 your testimony, in your knowledge these boats of these boats,

1 having owned them since 1979, what -- was it a surprise to you?

2 A. The knowledge --

3 UNIDENTIFIED SPEAKER: Let me just say --

4 MR. TURRELL: Sure.

5 UNIDENTIFIED SPEAKER: Obviously you can answer it,  
6 but because this is public and people will look at this later,  
7 he, he's giving an opinion. You know, we don't have -- we have  
8 not been given information or everybody here.

9 MR. TURRELL: Sure.

10 UNIDENTIFIED SPEAKER: So your opinion is based on  
11 knowledge that you have.

12 MR. J. QUIRK: Right.

13 UNIDENTIFIED SPEAKER: And which is fine.

14 MR. TURRELL: Sure.

15 UNIDENTIFIED SPEAKER: But in case later some facts  
16 that you don't have, I just want to be clear whatever this --

17 MR. TURRELL: Sure.

18 UNIDENTIFIED SPEAKER: -- the record that you're  
19 making your statement and giving you belief four days later  
20 based on --

21 MR. TURRELL: Let me rephrase the question.

22 UNIDENTIFIED SPEAKER: That's a fair question, but I  
23 don't want --

24 BY MR. TURRELL:

25 Q. Were you surprised about the results or not the

1 results, but were you surprised about what happened at the  
2 testing yesterday for any reason?

3 A. Yes.

4 Q. Okay.

5 A. The simple static test I, I felt there would be no  
6 problem with it. I didn't expect that result.

7 Q. So would you say that the -- your experience handling  
8 the boat, you've never experienced a stability problem or felt  
9 there was a stability problem with the boat before yesterday,  
10 is that -- would that be correct?

11 A. That is correct.

12 MR. TURRELL: I'll just leave that at that for now.  
13 I don't want too much analysis.

14 MR. S. QUIRK: I have a couple.

15 MR. TURRELL: Sure.

16 MR. S. QUIRK: Sean Quirk with --

17 MR. TURRELL: Sean Quirk.

18 MR. S. QUIRK: -- Shoreline Cruises.

19 BY MR. S. QUIRK:

20 Q. Just to clarify, you say your disciplinary action is  
21 you pull people off schedule. Is that fired or is that just --  
22 do they go back -- is that punishment of lack of hours?

23 A. I do both, I do both. Sometimes just reduction of  
24 hours, sort of a disciplinary type thing, and then -- and  
25 they'll come back and talk to me, and if we settle whatever the

1 problem might be, they'll go back on schedule; if not, they  
2 don't.

3 Q. And then do you -- you've driven the boats you just  
4 said.

5 A. Yeah.

6 Q. And, and then a policy of yours that I don't think  
7 has been touched on, let's just take the Horicon for instance,  
8 and how many people is maximum on that boat?

9 A. 300 people are permitted on that boat.

10 Q. Okay. How many do you allow on that boat is it  
11 different? Do you allow 300 people to get on that boat?

12 A. No. Our policy there is I believe the absolute  
13 maximum we'll allow on that boat is 225.

14 Q. 225. Why is that?

15 A. Mainly I feel it's just -- from experience it's too  
16 crowded to go above that. It's not comfortable, and we feel --  
17 don't feel that it's not safe. It's not a safety issue. It's  
18 more of a personal issue with people. We will not charter to  
19 groups -- actually our charter we recommend that they go with  
20 150, maybe they should go to a bigger boat.

21 Q. And then clarifying again, you were saying captains  
22 are free to go grab a deck hand.

23 A. Yes.

24 Q. But they know under your orders or that they were  
25 taught at a certain number they go get a deck hand?

1 A. Right.

2 Q. They don't have to check with you every time.

3 A. No. I don't even know they've --

4 Q. But you trained them to do that?

5 A. Right.

6 Q. One more. Did you speak to Dick or see Dick before  
7 the cruise, the cruise in question? Before.

8 MR. TURRELL: On Sunday.

9 BY MR. S. QUIRK:

10 Q. On Sunday, October 2nd.

11 A. I probably -- trying to think now. Yeah, I did, I  
12 did see him down there at the dock, yeah, when he was loading,  
13 I saw him.

14 Q. You saw him. Did you speak to him?

15 A. No. He was --

16 MR. S. QUIRK: That's it.

17 MR. TURRELL: Walter, do you have anything else?

18 SGT. SCHEDEL: Let me double-check. I just have one  
19 question. It's kind of like off, off the beaten path here from  
20 where we've been heading, but --

21 BY SGT. SCHEDEL:

22 Q. How were you dressed that Sunday? Were you wearing a  
23 white shirt?

24 A. No. Dungarees.

25 Q. That's the way you would normally dress on the

1 waterfront is just a pair of jeans and what would you wear,  
2 like a --

3 A. Normally just shorts --

4 Q. Shorts.

5 A. -- shorts and a shirt like that.

6 Q. It doesn't say Shoreline Cruises or like a polo  
7 shirt, anything like that, something that would identify you?

8 A. (Indiscernible)

9 SGT. SCHEDEL: That's all I have.

10 MR. TURRELL: Sean, did you have any other  
11 clarification?

12 MR. S. QUIRK: If I could take five minutes talk to  
13 (indiscernible) if anything else I want to add. I want to  
14 thank you. This is very -- it's a difficult circumstance but  
15 this is not a -- an adversarial type of questioning, and we  
16 appreciate that. Anybody in these circumstances would. I know  
17 that it wouldn't take much to make it that way. But if we  
18 could have like five minutes.

19 MR. TURRELL: Sure. We're going to do this quickly,  
20 go off the record here, and we're going to allow the Sheriff's  
21 Office to ask some questions. We do that -- we always do that  
22 off the record, and if they have any other questions they need  
23 to follow-up later on.

24 MR. S. QUIRK: Okay.

25 MR. TURRELL: We're going to go off the record here,



1 and we will -- go ahead and acknowledge this was recorded, and  
2 we'll just end the interview and the rest of it will be off the  
3 record.

4 MR. J. QUIRK: I acknowledge it was recorded.

5 MR. TURRELL: Okay. Thanks very much.

6 (Whereupon, the interview in the above-entitled  
7 matter was concluded.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:        Investigation of MV Ethan Allen  
                             Lake George, New York  
                             October 2, 2005  
                             Interview of James Quirk

DOCKET NUMBER:         DCA 06 MM 001

PLACE:                    Lake George, New York

DATE:                     October 6, 2005

was held according to the record, and that this is the  
original, complete, true and accurate transcript which has been  
compared to the recording accomplished at the hearing.

-----  
Katherine Motley  
Transcriber